

REMARKS

Claims 13, 15-18, and 20-22 are pending. This supplemental response supplements but does not replace the response which was filed on December 24, 2008.

Summary of Examiner Interview

Applicant thanks Examiner Jennifer Liversedge for the time she spent discussing this application with Applicant's attorney Marc E. Brown over the telephone on January 8, 2009. The rejection of claims 13, 15, and 18 were discussed based on the applied art.

Applicant's attorney raised a new point that was not set forth in the remarks that were last filed. Applicant's attorney agreed to file this supplement response making this additional point of record.

Anderson Does Not Calculate and Compare The Profits Yielded by Several Finance Programs

One core requirement that is common to all of the rejected claims is that the profit generated by each of a plurality of lease programs be calculated and compared. (Claims 13, 18, and 20-22 go on to require that the most profitable program be selected, while claim 15 goes on to require that the program with the lowest monthly payment be selected.)

The Examiner relied upon Anderson (U.S. Patent 5,774,883) this objection i.e., that the profits yielded by several finance programs be calculated and compared. In fact, however, Anderson does not disclose this concept.

Anderson does "automatically select[] the 'best fit' or most profitable finance program." Col. 3, lines 14-15. However, Anderson does not do so by calculating the profit that each program would yield and selecting the one with the highest calculated profit. Instead, Anderson represents each financial program by a "Financial Program Tier" which is associated with a credit rating (called "Rate Levels"). See, e.g., Col. 12, line 40- col. 13, line 6. This is done wholly independent of any financial information about the customer. Anderson then uses the financial information about the customer to

determine his credit rating. Anderson then uses this credit rating to determine the highest Tier for which the customer qualifies, see, e.g., FIGS. 13a-e, i.e., the “best fit” referred to at column 3, line 14. The program associated with this “best fit” tier is then selected.

In other words, Anderson “automatically selects the ‘best fit’ or most profitable finance program,” col. 3, lines 14-15, by assuming that a dealer will make the most profit by selecting the financial program that requires a credit rating that is most closely matched to the customer. However, Anderson does not actually calculate and compare the profit that several finance programs would provide. Although Anderson therefore has a similar goal as claims (13, 18, and 20-22), Anderson uses a much different method.

Other Points

During the interview, Applicant’s attorney also pointed out that:

1. The “Customer Budget” (item 764 in Fig. 13a) which Anderson frequently refers to is really “a Customer Budget state,” col. 26, line 6, which is not stated to include a target monthly payment amount or anything that is similar.
2. Anderson’s parameter adjustments that maximize profit are merely done in connection with a single loan program, col. 13, lines 45-49, i.e., the loan program which best matches the customer’s credit rating -- not in connection with multiple loan programs, as required by the claims.
3. McCormally does not suggest calculating and comparing the profit made by several loan programs based on the same target monthly payment. This is another core feature of claims 13, 18, and 20-22 which even the Examiner recognizes Anderson is lacking. Rather, McCormally merely discloses that a dealer can maximize its profit by tweaking parameters in the same loan program. This is a different concept.
4. Goodman says nothing about a distinctive feature of claim 15 – selecting which of several loan programs would require the lowest monthly payment based on

the same target profit. The mere statement that a dealer may strive to make a specified profit is a far cry from this.

Conclusion of Interview

The Examiner agreed to consider the arguments of applicant, including the new point which was raised. This is appreciated.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance and early notice of the same is earnestly requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper or any other paper or matter in this application, including extension of time fees, to Deposit Account 501946, and please credit any excess fees to such deposit account.

Respectfully submitted,
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Dated: January 8, 2009